

Message Text

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ACTION L-03

INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10
DOE-11 ACDA-12 CIAE-00 DODE-00 PM-05 INR-10
NSAE-00 NASA-01 NSC-05 SOE-02 SS-15 OES-07 IO-13
/137 W

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P 161106Z MAR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 7269
INFO AMEMBASSY MOSCOW
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 04058

E.O. 11652:GDS
TAGS: TSPA, UR, UN
REF: GENEVA 03934
SUBJ: OUTER SPACE LEGAL: SOVIET PAPER ON USE OF
GEOSTATIONARY ORBITS

1. USSR DEL HAS GIVEN US TEXT AS FORESHADOWED IN US-USSR
DISCUSSION 13 MARCH (REFTEL). PAPER IS A CAREFULLY DRAWN
ASSERTION OF OUR PARALLEL POSITION IN OPPOSITION TO CLAIMS
BY CERTAIN EQUATORIAL STATES TO SOVEREIGNTY TO
OR PREFERENTIAL RIGHTS OVER THE GEOSTATIONARY ORBIT. IT
TAKES FORM OF A RESOLUTION FOR ADOPTION BY UN GENERAL
ASSEMBLY. AFFIRMATIVE ACTION BY THE LEGAL SUBCOMMITTEE
HERE WOULD, OF COURSE, REQUIRE CONSENSUS APPROVAL, AND,
SUBSEQUENTLY, IN THE PARENT OUTER SPACE COMMITTEE. WHILE
LIKELIHOOD OF CONSENSUS HERE IS MINIMAL IN VIEW OF PRESENCE
OF COLOMBIA AND ECUADOR, WE BELIEVE THAT IF USSR INTRO-
DUCES ITS PAPER US DEL SHOULD SUPPORT AS A COUNTER TO
EQUATORIAL CLAIMS.

2. WITH RESPECT TO DETAILS OF SOV DRAFT RESOLUTION, IT
FOLLOWS CLOSELY SUBSTANCE OF PAPER THEY INTRODUCED DURING
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JUNE 1977 SESSION OF OUTER SPACE COMMITTEE (DOCUMENTARY
REFERENCE REFTEL). WE NOTE THAT THEY HAVE TAKEN CARE TO
DRAFT PARA 1 (D) OF THEIR TEXT SO THAT THE CALL ON STATES
WITH RESPECT TO ITU IS DRAWN IN TERMS OF COOPERATION "ON
QUESTIONS OF THE PLACING OF COMMUNICATIONS SATELLITES IN
GEOSTATIONARY ORBITS WITH DUE REGARD TO THE RECOMMENDA-
TIONS AND DECISIONS OF THE INTERNATIONAL TELECOMMUNICATION

UNION CONCERNING THE UTILIZATION OF THE RADIO-FREQUENCY SPECTRUM ALLOCATED FOR THE VARIOUS TYPES OF SPACE COMMUNICATIONS.

3. USSR DEL IS APPARENTLY HANDING THIS PAPER INFORMALLY TO CERTAIN NUMBER OF OTHER DELS, E.G., UK. WE PROPOSE TO GIVE BALANCED SUPPORT TO ITS SUBSTANCE WHILE NOTING THAT PRECISE LANGUAGE AND TRANSLATION MAY REQUIRE FURTHER LOOK, ESPECIALLY SUBPARA. 1 (C), WHICH MAY HAVE IMPLICATIONS FOR DBS.

4. TEXT OF USSR PAPER READS AS FOLLOWS:

THE GENERAL ASSEMBLY

NOTING TECHNOLOGICAL DEVELOPMENTS IN THE FIELD OF UTILIZATION OF GEOSTATIONARY ORBITS,

RECOGNIZING THE GENERAL INTEREST IN THE ON-GOING AND FUTURE USES OF GEOSTATIONARY ORBITS,

REFERRING TO THE RELEVANT PROVISIONS OF THE 1977 TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES,

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CONFIRMING THE IMPORTANCE OF COOPERATION AMONG STATES IN PLACING COMMUNICATIONS SATELLITES IN GEOSTATIONARY ORBITS WITH DUE REGARD TO THE RELEVANT PROVISIONS OF THE INTERNATIONAL TELECOMMUNICATION UNION INSTRUMENTS,

RECALLING ITS RESOLUTION...32/196 OF 20 DECEMBER 1977

1. SOLEMNLY DECLARES THE FOLLOWING LEGAL PRINCIPLES GOVERNING THE UTILIZATION OF GEOSTATIONARY ORBITS:

A) GEOSTATIONARY ORBITS ARE INSEPARABLE FROM OUTER SPACE AND ALL RELEVANT PROVISIONS OF THE 1967 TREATY ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES, ARE APPLICABLE TO THEM UNDER THAT TREATY, GEOSTATIONARY ORBITS, LIKE OUTER SPACE AS A WHOLE, ARE NOT SUBJECT TO NATIONAL APPROPRIATION BY ANY MEANS WHATSOEVER.

B) THE PLACING OF SATELLITES IN GEOSTATIONARY ORBITS BY STATES CREATES NO RIGHT OF OWNERSHIP OVER THE RESPECTIVE ORBITAL POSITIONS OF THE SATELLITES OR OVER SEGMENTS OF

THE ORBITS.

C) ALL STATES ENJOY AN EQUAL RIGHT TO THE UTILIZATION OF GEOSTATIONARY ORBITS. THE UTILIZATION OF GEOSTATIONARY ORBITS BY STATES MUST NOT BE DETRIMENTAL TO THE INTERESTS OF OTHER STATES.

D) STATES CO-OPERATE ON QUESTIONS OF THE PLACING OF COMMUNICATIONS SATELLITES IN GEOSTATIONARY ORBITS WITH DUE REGARD TO THE RECOMMENDATIONS AND DECISIONS OF THE INTERNATIONAL TELECOMMUNICATION UNION CONCERNING THE UTILIZATION OF THE RADIO-FREQUENCY SPECTRUM ALLOCATED FOR THE VARIOUS TYPES OF SPACE COMMUNICATIONS.

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P 161106Z MAR 78

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2. INVITES ALL STATES TO ABIDE WITH THESE PRINCIPLES IN THE EXPLORATION AND USE OF OUTER SPACE FOR PEACEFUL PURPOSES. END QUOTE. VANDEN HEUVEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PAPERS, LAW, SPACE AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 mar 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA04058
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780117-0237
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780362/aaaabzuf.tel
Line Count: 158
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 68254bc6-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 GENEVA 3934
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3313161
Secure: OPEN
Status: NATIVE
Subject: OUTER SPACE LEGAL: SOVIET PAPER ON USE OF
TAGS: TSPA, UR, UN
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/68254bc6-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014